

# Nadler Examines Voting Rights Protections in 2008 Election

Thursday, 19 March 2009

WASHINGTON, D.C. — Congressman Jerrold Nadler (NY-08), Chair of the Judiciary Subcommittee on the Constitution, Civil Rights and Civil Liberties, today chaired a hearing to consider the “Lessons Learned from the 2008 Election.” This hearing was a follow-up to a September 24, 2008 hearing on state and local efforts to prepare for the election and it examined the extent to which Voting Rights were ultimately protected. It is now clear that the 2008 election presented genuine challenges — e.g. purging, long lines, varying standards for counting provisional ballots, voter caging, and deceptive practices — and there is still much work to be done to safeguard the rights of all Americans to freely exercise their vote.

“Although we were thankfully spared another national election in which the result was questioned by large numbers of Americans, there were still problems encountered by voters across the country,” said Rep. Nadler. “We saw too many instances of voter caging, purging of voter rolls, misinformation and faulty technology. It is crucial that, with each election, we examine exactly what goes wrong and why, and make sure that these issues do not persist into the future.”

With more than 3.5 million new voters registered in 2008, a 64% increase from 2004, there were serious concerns about the adequacy of the existing election administration system to accommodate new voters and respond to voting problems prior to and during the 2008 general election. Many worried that the sheer volume of voters would strain a system already in the midst of transformation. Many jurisdictions introduced new machines and rules in an effort to avoid Election Day problems exposed during the 2000 and 2004 elections.

Among the problems reported in 2008:

- Registration roadblocks and purging, particularly in Michigan, Colorado, Indiana, North Carolina, Ohio and Nevada.
- Lack of readiness and maintenance of state Voter Registration Lists.
- Voter caging and improper challenges to voter eligibility, particularly in areas with high concentrations of home foreclosures, with elevated proportions of African-American and Latino voters.
- Confusing and inconsistent photo ID requirements.
- Lack of compliance with Voting Rights Act requirements to clear changes in voting procedure ahead of time.
- Insufficient polling place operations, which was complicated by high voter turnout.
- Precinct closures and last-minute relocations.
- Variable and problematic means for counting provisional votes.
- Deceptive practices through mailers and robo-calls, providing false or misleading information to voters.
- Barriers to students and first-time voters, particularly in ID requirements.

To address these problems, Rep. Nadler has co-sponsored a trio of bills introduced by Judiciary Committee Chairman Conyers, including the Deceptive Practices and Voter Intimidation Prevention Act of 2009, the Caging Prohibition Act of 2009, and the Voting Opportunity and Technology Enhancement Rights Act of 2009.

The following is Rep. Nadler’s opening statement from the hearing:

“Today’s hearing looks at the 2008 elections and to see what lessons we can learn to improve election administration and the protection of voting rights in the future.

“Although we were, thankfully, spared another national election in which the result was questioned by large numbers of Americans, there were still problems encountered by voters across the country. In too many instances, legally qualified voters were robbed of their right to vote either by poor administration, excessively cumbersome procedures, or efforts designed to disenfranchise them.

“In the world’s leading democracy that is simply intolerable. There is no more important right than the right to exercise the franchise freely, fairly, without fear or intimidation.

“Our nation’s history is one of expanding inclusion. We have expanded the franchise to include all persons regardless of race, color or previous condition of servitude, gender and age. We have enacted the Voting Rights Act, the Help America Vote Act, and the Motor Voter law. We recently renewed the Voting Rights Act with almost no dissent, thanks to the leadership of the Distinguished Gentleman from Wisconsin, and the Distinguished Chairman of the full committee.

“But rights on paper are not the same as rights in fact. For that, we need vigorous enforcement. Efforts by both official and private parties to suppress the vote, especially of certain groups targeted by race or belief, are unacceptable. Even when the culprit is poor management, the result is the same.

“I am anxious to hear from our outstanding panels of witnesses today, so I will yield back the rest of my time.”